

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAITHIRA NJENGA,

No. C-08-04019 EDL

Plaintiff,

**ORDER GRANTING IN PART  
PLAINTIFF'S MOTION TO ENLARGE  
TIME AND VACATING PRETRIAL AND  
TRIAL DATES**

v.

SAN MATEO COUNTY,

Defendant.

On November 24, 2009, Plaintiff filed an Ex Parte Application for Order to Modify Case Management Order, seeking to continue the hearing date and briefing schedule for Defendant's Motion for Summary Judgment, which is currently set to be heard on December 15, 2009. Plaintiff seeks to continue the summary judgment hearing to early January 2010, the due date for her opposition to December 8, 2009 and the due date for Defendant's reply to December 15 or 22, 2009. Defendant opposed the Ex Parte Application on November 24, 2009. On November 25, 2009, Plaintiff withdrew her improper Ex Parte Application and filed a Motion to Enlarge Time pursuant to Civil Local Rule 6-3. On that same day, Defendant filed a declaration in opposition to Plaintiff's Motion to Enlarge Time. For the reasons stated in this Order, Plaintiff's Motion is granted in part.

Plaintiff argues that the summary judgment briefing schedule and hearing date should be extended because she has been unable to effectively communicate with her client, who became seriously ill while traveling to Kenya to attend to pressing family matters and is currently bedridden in Germany, and with witness Cecil Reeves, who is currently in Georgia with serious health problems. Plaintiff's counsel also contends that she has a pre-planned vacation to visit family during the Thanksgiving week. Plaintiff has shown good cause to continue the summary judgment motion hearing. However, the Court is mindful that Defendant's counsel has a two-week trial in another

1 case beginning on January 19, 2010. Accordingly, the Court vacates the December 15, 2009 hearing  
2 date on Defendant's Motion for Summary Judgment, and vacates the pretrial and trial dates. The  
3 parties shall meet and confer regarding a briefing schedule and hearing date for Defendant's Motion  
4 for Summary Judgment, as well as pretrial and trial dates, that are no farther in the future than  
5 necessary to accommodate both parties' schedules. No later than December 2, 2009, the parties shall  
6 file a joint statement proposing new dates. Plaintiff is cautioned, however, that court-ordered dates  
7 will not be continued again absent compelling reasons.

8 **IT IS SO ORDERED.**

9 Dated: November 25, 2009

*Elizabeth D. Laporte*  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge